

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**FAMILY HEALTH SERVICES
OF DARKE COUNTY, INC.**

Plaintiff,

-vs-

**Case No. 3:09-cv-427
Judge Thomas M. Rose**

**KATHLEEN SEBELIUS, Secretary of
Health and Human Services**

Defendant.

ORDER OF DISMISSAL: TERMINATION ENTRY

The Court having been advised by counsel for the Parties that the above captioned matter has been settled, IT IS ORDERED that this action is hereby DISMISSED, with prejudice as to the Parties, provided that any of the Parties may, upon good cause shown within sixty (60) days, reopen this action if settlement is not consummated.

Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Insurance Company of America*, 114 S.Ct. 1673 (1994), and incorporate appropriate language in any substituted judgment entry. If necessary, this Court will retain jurisdiction to enforce the terms of the settlement between the Parties provided the Court is provided a copy of the settlement agreement in advance of agreeing to enforce.

DONE and **ORDERED** in Dayton, Ohio, this Fourth Day of April, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record